

Department of Commerce

Strategic Plan to Implement Executive Order 13101

**Executive Order 13101: *Greening the Government
Through Waste Prevention, Recycling, and Federal
Acquisition***

Date: December 17, 2004
Updated Jan 31, 2006

Table of Contents

I. Executive Summary.....	1
II. Background.....	1
III. Vision.....	2
IV. Strategies.....	3
V. Actions.....	4
VI. Goals.....	12
VII. Major Milestones.....	14

APPENDICES

A1 - Definitions

A2 - Website Location for Resource Conservation and
Recovery Act, Section 6002

A3 - Website Location for Executive Order 13101

I. Executive Summary

Section 301 of Executive Order (EO) 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, requires the Department of Commerce (DOC) to translate the government-wide strategic plan into an agency-specific plan. Beyond merely fulfilling the paperwork requirements to do a strategic plan, the DOC recognizes its responsibilities to other federal agencies, the public, and other stakeholders to clearly articulate why “greening” the Federal government is important and what we need to do to accomplish that objective.

This Plan provides a vision and a roadmap for waste prevention, recycling, and federal acquisition initiatives across the DOC. The Plan describes strategies and actions to achieve goals and identifies the stakeholders and performance measures that will be utilized to measure agency progress. An implementation schedule with specific milestones is also contained within the Plan.

Three major purposes define the Plan - Improve waste prevention, recycling, and purchase and use of recycled content and environmentally preferable products and services throughout the DOC. This Plan further defines the course that the DOC will chart to meet these challenges.

II. Background

Legislation and Presidential directives requiring the purchase of recycled content products have been evolving since 1976 when Congress passed the *Resource Conservation and Recovery Act* (RCRA). In section 6002 of RCRA, Congress directed government agencies to promote recycling by increasing their purchases of products containing recovered materials.

There are a number of EOs geared towards stimulating federal progress in this area. For example, EO 12873, *Federal Acquisition, Recycling, and Waste Prevention*, issued October 1993, was designed to foster and strengthen federal response to existing RCRA mandates to reduce solid waste; build markets for recycled content products; encourage new technologies; and protect the environment by increasing purchases of recycled content products. EO 13101 further expanded the Federal government’s commitment to recycling and buying recycled content and environmentally preferable products (including biobased products).

In response to EO 13101, a task force created a government-wide strategic plan. This plan tasked agency environmental executives to:

- translate the government-wide strategic plan into specific agency plans;
- implement their specific agency plan;

- report to the Federal Environmental Executive (FEE) on the progress of agency plan implementation;
- work with the FEE on furthering implementation of the EO;
- track agencies' purchases of the Environmental Protection Agency (EPA) Comprehensive Procurement Guidelines (CPG) designated items and report agencies' purchases to the FEE; and
- one year after a product is placed on the U.S. Department of Agriculture (USDA) Biobased Products List, estimate their agency's purchases of products on the list and report them to the Secretary of Agriculture.

III. Vision

By promoting increased acquisition of recycled content products, environmentally preferable products and services, and cost effective waste prevention and recycling, the DOC will be recognized as a leader in the efficient use of our natural resources and protection of the environment for ourselves and future generations.

IV. Strategies

The DOC will use the following strategies to ensure compliance with EO 13101:

- #1 - Improving and Expanding Waste Prevention and Recycling Programs;
- #2 - Identifying Recycled Content and Environmentally Preferable Products;
- #3 - Increasing Acquisition of Environmentally Preferable Products and Services;
- #4 - Purchasing Biobased Products;
- #5 - Implementing Affirmative Acquisition Planning and Procurement;
- #6 - Ensuring Federal Facility Compliance and Establishing Tracking Mechanisms;
- #7 - Identifying Model Facilities;
- #8 - Developing and Enhancing Technologies for Waste Prevention, Recycling, and Recycled Content and Environmentally Preferable Products;
- #9 - Executing Outreach and Training Programs;
- #10 - Establishing Goals for Waste Prevention, Recycling, and Affirmative Procurement; and
- #11 - Establishing and Participating in Awards Programs.

V. Actions

EO 13101 establishes multiple tasks and objectives. Given the DOC's complexity and diversity of missions, a variety of strategies and actions should be used to meet these tasks and objectives. This section includes a list of the strategies on page 3 with associated actions.

Strategy #1 - Improving and Expanding Waste Prevention and Recycling Programs

Action 1.1: Recycling in Federally-Owned and Leased Buildings

- The Office of Administrative Services (OAS) will modify existing environmental pollution prevention policies to include requirements that will implement cost-effective waste prevention and recycling in DOC owned and leased buildings.

Action 1.2: Electronic Communications, Electronic Commerce, and Double-Sided Copying

- The OAS will create and maintain a website link to information that encourages the use of electronic communications and double-sided copying.

Action 1.3: Recycling Coordinators

- The DOC shall consider assigning a recycling coordinator at appropriate facilities to oversee and coordinate recycling programs. The facility recycling coordinator will coordinate activities with the General Services Administration (GSA), the facility owner, manager and/or others who have primary responsibility for waste removal.
- The OAS will establish a link between the DOC's environmental management website and sites designed to share information with recycling coordinators.

Strategy #2 - Identifying Recycled Content and Environmentally Preferable Products

Action 2.1: EPA CPG

- The Office of Acquisition Management (OAM), where practicable, will incorporate in the Affirmative Procurement Program, mechanisms, such as electronic catalogues, for identifying and sourcing EPA CPG items.

Strategy #3 - Increasing Acquisition of Environmentally Preferable Products and Services

Action 3.1: Purchasing Guidance

- The OAM will include EPA guidance concerning the purchase of environmentally preferable products and services in the Affirmative Procurement Plan.

Action 3.2: Database for Environmental Preferable Purchasing (EPP) Pilot Projects

- The OAM and OAS will encourage DOC purchasers to utilize the EPA database of EPP pilot projects to identify projects and processes suitable for implementation or products and services that warrant further study.
- The OAS will include a link to the EPA database of EPP pilot projects within the DOC's environmental management website and OAM will refer to and include a link to EPA's EPP website in the Affirmative Procurement Program.

Action 3.3: Other Information Sources

- The OAS will include a link to the FEE website as a source for additional information regarding companies selling or providing environmentally preferable products and services.

Strategy #4 - Purchasing Biobased Products

Action 4.1: Identify Biobased Products Listing

- The OAS will provide a link to the USDA's Biobased Products Coordination Council draft list of biobased products within the environmental management website and OAM will provide a link to this website in the Affirmative Procurement Program.

Action 4.2: Increase Purchases of Biobased Products

- The DOC will strive to increase the purchases of biobased products listed by the USDA's Biobased Products Coordination Council.

Strategy #5 - Implementing Affirmative Acquisition Planning and Procurement

Action 5.1: Federal Acquisition Regulation (FAR) Revisions

- The OAM and OAS will revise policies and procedures, where appropriate, to reflect changes made in the FAR regarding waste prevention, recycling, and affirmative procurement.

Action 5.2: Federal Agency Policy/Procedure Enhancements

- The OAM will, as necessary, develop internal procurement procedures to provide assistance and direction in achieving the goals of EO 13101 and RCRA section 6002.

Action 5.3: Real Property Rehabilitation, Renovation, and New Construction

- The DOC, when appropriate and cost-effective, will use the Leadership in Energy and Environmental Design (LEED) standards, or an equivalent, for real property rehabilitation, renovation, and new construction and will strive to achieve the LEED silver rating or equivalent.

Action 5.4: Affirmative Procurement Program

- In accordance with RCRA section 6002 and EO 13101, within one year after EPA designates additional recycled content products in the CPG, the OAM will ensure the affirmative procurement program addresses the newly-designated products.
- The OAM, through the affirmative procurement program, will encourage Department program managers and requiring offices responsible for developing, reviewing, and revising specifications, product descriptions, and standards, to eliminate requirements for virgin materials; express preference for recovered materials, to the maximum extent practicable; and allow for the purchase of products containing recovered materials.

Action 5.5: Pilot Projects

- The OAS will encourage the Bureaus to initiate one or more pilot projects illustrating the environmentally preferable product requirements of the EO or to test product performance, innovative contracting strategies, or internal models to follow in meeting the DOC's EPP goals.

- The OAS will request information from Bureaus on their results of any pilot projects and report them to the EPA and the FEE.

Strategy #6 - Ensuring Federal Facility Compliance and Establishing Tracking Mechanisms

Action 6.1: Federal Facility Compliance Inspection Guidance

- The Department's Environmental Management Manual specifies environmental compliance audits include assessing compliance with the "buy-recycled" requirements of RCRA Section 6002.

Action 6.2: Compliance Budgets

- Bureaus, Operating Units, and Line Offices are expected to budget for the necessary resources, including personnel, funding, and other policy and programmatic support, in order to achieve the desired goals of this Plan. Resource and funding requirements should be submitted in the annual budget request to the DOC in accordance with Office of Management and Budget guidance.

Action 6.3: Monitoring of Recycled Paper Purchasing Data

- The Supply Cart reports recycled paper purchase data to OAS on a monthly basis.
- Annually, the General Services Administration reports Department purchases of recycled paper directly to the Office of the Environmental Executive.

Action 6.4: Acquisition Data

- The OAM will provide, to the Environmental Manager, available RCRA data from the Federal Procurement Data System and DOC's procurement reporting system, CSTARS.

Action 6.5: Waste Diversion Measurement

- The OAS will establish a cost-effective method for calculating and reporting waste diversion (waste prevention and recycling).

Strategy #7 - Identifying Model Facilities

Action 7.1: Recycling

- The OAS will identify model recycling facilities and make this information available on the environmental management website.
- Bureaus are encouraged to nominate appropriate facilities for designation as a model recycling facility.

Action 7.2: Green Purchasing

- The OAM and the OAS will identify model facilities for affirmative procurement and EPP and make this information available on an appropriate website.
- Bureaus are encouraged to nominate appropriate facilities for designation as a model affirmative procurement or EPP facility.

Strategy #8 - Developing and Enhancing Technologies for Waste Prevention, Recycling and Recycled Content and Environmentally Preferable Products

Action 8.1: Agency Programs/Centers

- Bureaus, Operating Units, and Line Offices are encouraged to utilize government centers (e.g. Electronic Commerce Resource Centers, National Institute of Standards and Technology manufacturing centers, Small Business Administration centers, GSA commodity centers) for the purpose of identifying new technologies that could improve processes for waste prevention, recycling, and green purchasing.

Strategy #9 - Executing Outreach and Training Programs

Action 9.1: Agency Environmental Executive (AEE)

- The AEE, or a designated representative, will participate in scheduled meetings hosted by the FEE.

Action 9.2: Executive Order Inter-Agency Advisory Group (EOIAG)

- The DOC's Environmental Manager or a designated representative will participate in scheduled EOIAG meetings.

Action 9.3: Agency Communication Tools

- The OAM and OAS will provide personnel with information on waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services using one or more of the following tools:
 - ▶ electronic broadcast messages;
 - ▶ the DOC environmental web page;
 - ▶ publications, speeches, commitments, and presentations in association with agency and national events such as “America Recycles Day” and the “National Recycling Challenge;” and
 - ▶ other educational and outreach presentations.
- The OAM and OAS will consider using appropriate DOC conferences to communicate acquisition strategies and present recommendations to improve waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services.

Action 9.4: Bureau Communication Tools

- Bureaus are encouraged to provide personnel with information on waste prevention, recycling, and affirmative procurement of recycled content and environmentally preferable products and services using one or more of the following tools:
 - ▶ electronic broadcast messages;
 - ▶ Bureau’s environmental website;
 - ▶ publications, speeches, commitments, and presentations in association with agency and national events such as “America Recycles Day” and the “National Recycling Challenge;” and
 - ▶ other educational and outreach presentations.

Action 9.5: Training

- Acquisition, program managers, and other relevant program personnel, such as credit card holders, should be trained on the requirements of EO 13101 and RCRA section 6002. Training will be accomplished using electronic training modules developed by the Office of the Federal Environmental Executive or other training offered by OAM and other agencies outside agencies such as GSA. OAS will work with OAM to develop requirements and schedules.

- Training should include the use of EPA's recycled content product procurement guidelines, EPA's EPP guidance, and acquisition of products and services labeled by self-certification or third party certification organizations as environmentally preferable products or services.

Action 9.6: Summits

- The AEE, or a designated representative, will participate in any future scheduled FEE-sponsored summits.

Strategy #10 - Establishing Goals for Waste Prevention, Recycling, and Affirmative Procurement

Action 10.1: Solid Waste Diversion Goals

- The DOC will divert solid waste from disposal in landfills by increasing waste prevention and recycling efforts.
- Annually, or as necessary, the OAS will request information from the Bureaus on their progress in attaining these goals.

Action 10.2: Recycling and Reuse

- Unless significant barriers exist (such as lack of markets, cost effectiveness, etc.) as determined by the facility manager, the DOC will recycle or reuse the following commodities at all facilities: white paper, mixed paper/newspaper, cardboard, aluminum, plastic containers, glass, pallets, scrap metal, toner cartridges, cell phones, and, consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, and batteries.
- The DOC will encourage waste prevention strategies, such as two-sided copying and increased use of electronic messaging.
- Bureaus shall establish similar goals for recycling. States and local governments may set higher standards. Bureaus must ensure recycling goals meet or exceed state and local government requirements.
- Bureaus will report progress on attaining these goals to the Department Environmental Manager in order to support the annual Environmental Protection Agency RCRA Report.

Action 10.3: Procurement of Environmentally Preferable Products and Services for which a Pilot Project Has Been Successfully Completed

- The DOC will establish goals for procurement of environmentally preferable products and services for which a pilot project has been successfully completed.
- The OAS will track progress on attaining these goals.

Action 10.4: Government Performance and Results Act Goals

- Bureaus and Operating Units are encouraged to incorporate goals for solid waste diversion and increasing the use and purchase of EPP and recycled content products into their Government Performance and Results Act plans.

Strategy #11 - Establishing and Participating in Awards Programs

Action 11.1: Awards Program

- The DOC will participate in the White House Closing the Circle Awards program.
- Annually, OAS will forward Closing the Circle Awards criteria to the Bureaus seeking nominations for the various award categories.
- OAS will develop selection criteria to select award winners from the nominations.
- OAS will prepare congratulatory letters signed by the AEE or a designated representative announcing the DOC winners of the various awards.

Action 11.2: Other Awards/Recognition

- DOC will participate, as appropriate, in other FEE recognition programs.

VI. Goals

Meeting the following goals will demonstrate DOC progress in waste prevention, recycling, and affirmative procurement:

Goal #1 - Solid Waste Diversion and Recycling Goals

The DOC will minimize the creation of solid waste through waste prevention and recycling. The Department is committed to creating a culture of awareness where employees are motivated to take actions to avoid the generation of waste. The Department seeks to capture associated benefits from these activities, including: reducing the use of landfill space, lowering landfill tipping expenses, reusing valuable commodities, reducing energy consumption, and reducing greenhouse gas emissions. Specifically, the DOC goals are to:

- Divert solid waste from disposal in landfills at a rate of 35% by fiscal year (FY) 2005. This goal will be calculated using the FY 2005 total amount (in tons) of material diverted from landfills (recycled and reused) divided by the sum of the 2005 total amount (in tons) of materials diverted from landfills plus the 2005 total amount (in tons) of solid waste (excluding hazardous waste) sent to a landfill.
- Divert solid waste from disposal in landfills at a rate of 30% by FY 2010. This goal will be calculated using the FY 2010 total amount (in tons) of material diverted from landfills (recycled and reused) divided by the sum of the 2010 total amount (in tons) of materials diverted from landfills plus the 2010 total amount (in tons) of solid waste (excluding hazardous waste) sent to a landfill.
- Unless significant barriers exist, such as lack of markets, cost effectiveness, etc., the DOC will recycle or reuse the following commodities at all facilities: white paper, mixed paper/newspaper, cardboard, aluminum, plastic containers, glass, pallets, scrap metal, toner cartridges, cell phones, and consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, and batteries.

Goal #2 - Procurement of Recycled Content Products Goals

The DOC will procure printing and writing paper products that contain no less than the required post-consumer fiber content (currently 30%).

The DOC will demonstrate full compliance with procurement of products meeting the EPA's recovered materials content recommendations, considering product performance, price, and availability.

By the end of FY05, the DOC will have revised internal environmental compliance assessment programs to include RCRA section 6002 compliance review protocols.

By the end of FY06, the DOC will begin to train procurement officials, credit card holders, program management, facility maintenance, and requesting activities, as needed, with regard to the requirements of EO 13101 and related agency policies and revisions to the FAR.

Reviewing and Assessing Goal Status

Annually, the DOC will review and assess the progress made toward achieving established goals. This review and assessment will be prepared in a written summary and sent to the FEE, as requested, for incorporation into the *Greening the Government: A Report to the President on Federal Leadership and Progress*. Results of this review and assessment will also be used to make changes or revisions to this Plan.

There are certain factors that may affect achievement of these goals. These factors pose challenges to implementation of the program and include:

- **Resource Availability:** Funding and other resources are required for implementation, such as guidance document development, web site enhancement, pilot projects, and training.
- **Attitudes Regarding the Use of Recycled-Content and Environmentally Preferable Products:** The recycled content and environmentally preferable products being used today provide an increased level of quality and performance from those used in the past. It is important to educate users regarding these differences in order to change attitudes and perceptions and thus encourage the use of these new products.
- **Justification for Alternate Purchases:** Lack of product availability, insufficient delivery times, unreasonable pricing, and poor performance are the only acceptable justifications for purchasing non-EPA-designated items.
- **Resistance to Change:** There may be resistance to change from DOC offices, facilities, and suppliers. Awareness, education, and training are tools which can be used to overcome this barrier.

VII. Major Milestones

Performance (Responsible Office)	Proposed Completion	Actual Completion
1. Environmental Manager attends the Green Purchasing, Train the Trainer course. (OAS)	March 2003	March 2003
2. Environmental Manager arranges with the Supply Cart to monthly report recycled paper sales. (OAS)	March 2003	March 2003
3. Draft pollution prevention policy that includes requirements of EO 13101, RCRA section 6002, and re-refined oil requirements. (OAS)	August 2004	Nov 2004
4. Draft environmental audit policy that includes buy recycled requirements. (OAS)	August 2004	Nov 2004
5. Issue guidance for assignment of Recycling Coordinators. (OAS)	180 days after approval of this Strategic Plan	Oct 2005
6. Issue guidance to Bureaus on waste diversion goals. (OAS)	180 days after approval of this Strategic Plan	Oct 2005
7. Issue guidance on recycling goals. (OAS)	180 days after approval of this Strategic Plan	Oct 2005
8. Establish cost-effective method for reporting waste diversion. (OAS)	180 days after approval of this Strategic Plan	Oct 2005
9. Establish all website links identified in this Plan. (OAS)	180 days after approval of this Strategic Plan	Dec 2004

Department of Commerce
EO 13101 Strategic Plan

Performance (Responsible Office)	Proposed Completion	Actual Completion
10. Revise the existing Affirmative Procurement Plan. (OAM)	March 2005	Dec 2005
11. Review internal procurement procedures to ensure they support and direct achievement of the goals of EO 13101 and RCRA section 6002. (OAM)	January 2004	January 2004
12. Initiate EPP Pilot Projects. (Operating Units)	As Appropriate	
13. Review credit card training to ensure it addresses re-refined oils, buy-recycled, and environmentally preferable products. (OAM, OAS, and Operating Units)	180 days after approval of this Strategic Plan	Oct 2005

Appendices

A1 - DEFINITIONS

ACQUISITION: using appropriated funds to acquire supplies or services, including construction, by contract for purchase or lease by the Federal government, regardless of whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

AFFIRMATIVE PROCUREMENT PROGRAM: a strategy for maximizing the purchase of EPA-designated recycled content products, consistent with federal law and procurement regulations. The “buy-recycled” requirement applies to federal agencies, state and local agencies using federal monies, and their contractors.

BIOBASED PRODUCT: a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, or marine) or forestry materials.

ENVIRONMENTALLY PREFERABLE: products or services with a lesser or reduced effect on human health and/or the environment when compared with competing products or services serving the same purpose.

EPA-DESIGNATED ITEM: a product or category of products containing recovered materials that has been designated by EPA in the Comprehensive Procurement Guidelines.

EOIAG (EXECUTIVE ORDER INTER-AGENCY ADVISORY GROUP): an inter-agency group that serves as advisor to and coordinates with the FEE on implementation of EO 13101.

LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN): a voluntary, consensus-based national standard used in developing high-performance, sustainable buildings.

LEED SILVER RATING: a facility classification achieved by satisfying a set of prerequisites and earning a specific number of credits to attain the rating of silver. There are four categories of ratings. Platinum is the highest rating, followed by gold, silver, and then certified. Silver is the third highest rating.

MAJOR PROCURING AGENCY: any executive agency that procures over \$500 million per year in goods and services.

MODEL FACILITY: an organization or activity that has made an outstanding contribution to waste prevention, recycling, and affirmative procurement through its leadership, investment in resources, and change in culture.

PILOT PROJECT: a defined or set period for testing a waste prevention, recycling, or affirmative procurement practice.

POLLUTION PREVENTION: source reduction, as defined in the Pollution Prevention Act of 1990 (42 U.S.C. 13102), and other practices that reduce or eliminate the creation of pollutants through (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

POST-CONSUMER: material or finished product that has served its intended use and has been discarded for recovery, and is part of the broader category of recovered material.

RECOVERED MATERIAL: waste materials and by-products that have been recovered or diverted from solid waste. Such items do not include those materials and by-products generated from, and commonly reused within, an original manufacturing process (42 U.S.C. 6903 (19)).

RECYCLING: the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream, and are then used in the manufacture of new products (other than fuel for producing heat or power by combustion).

WASTE PREVENTION: any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity prior to disposal of the products or materials. Waste prevention also refers to the reuse of products or materials.

WHITE HOUSE CLOSING THE CIRCLE AWARDS PROGRAM: a government-wide award program, presented annually by the White House for the best, most innovative programs implementing the objectives of EO 13101 in order to give greater visibility and encourage incorporation government-wide. This award program also recognizes individuals for outstanding recycling practices under EO 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*. The White House Closing the Circle Awards Program is administered jointly by the FEE and the Council on Environmental Quality.

A2 - WEBSITE LOCATION OF RCRA SECTION 6002

<http://www.epa.gov/rcraonline/>

A3 - WEBSITE LOCATION OF EXECUTIVE ORDER 13101

<http://www.epa.gov/fedrgstr/eo/eo13101.htm>